

## **REMARKS**

### **Request For Continuing Examination**

A Request for Continuing Examination (RCE) is filed herewith.

### **Claim Objections:**

In setting forth his rejections, the Examiner stated that there was no structural limitations regarding the use of the frame hole to view the fluid level in the cup.

Claim 36 has further been amended to set forth structural details of the present invention, as follows.

First, the “filter hole” is now distinguished from the “frame hole”. Specifically, the “filter hole” is the large central hole in which filter 114 (in Fig. 11) is suspended. In contrast, the “frame hole” is hole 113.

Second, the frame hole is positioned *beside* the filter hole. This is also seen in Fig. 11 where frame hole 113 is positioned *beside* the central filter hole in which filter 112 is received. (Actually, two frame holes 113 are seen in Fig. 11 on opposite sides of the filter hole in which filter 112 is received).

Third, frame 112 comprises a *vertically extending portion* that supports a top end of the filter above the frame hole. This vertically extending portion is see clearly in Fig. 11 as a upwardly projecting ring around the filter hole in which filter 112 is received.

Fourth, *fluid passes up through frame hole 113* when the device is filled.

The above claimed features work together to provide advantages, as follows.

When the cup is filled, brewed coffee (or tea) will seep up through frame holes 113 and pool in the channel between the vertically extending outer edge of frame 112 and the central vertically extending portion of frame 112 that holds the top end of filter 114 above

frame holes 113. This occurs at the same time at the same time that the buoyant coffee grains float in filter 112 (since coffee grains are buoyant until saturated).

By having a separate “frame hole” and “filter hole”, and by supporting the top end of the filter above the frame holes, the person using the invention will see the fluid rising up through frame hole(s) 113 when the cup is filled.

In the absence of such frame holes 113, the only way to see the fluid level in the cup would be to attempt to watch through filter 112 itself. This would be very difficult since filter 112 is filled with buoyant coffee grounds. Moreover, if the top end of filter 112 was not held above the frame holes 113, floating (buoyant) coffee grains would spill out of the top of filter 112 as the fluid level in the cup reached holes 113.

Together, these above features prevent overfilling, while maximizing the amount of fluid that can be poured into the cup.

Optionally, the claimed vertically extending portion of the frame preferably holds the top end of filter 112 against lid 115, forming a seal with lid 115 such that coffee grains do not spill out of filter 112 and into the drinking cup.

**New Claims 43 to 45:**

New claim 43 corresponds to the frame structure set forth in now amended claim 36. Claim 44 adds the removable filter, and claim 45 adds the cup and lid into which the present invention is placed.

**New Claim 41 and 46:**

New claims 41 and 46 have been added to set forth frame 112 having a vertically extending outer edge dimensioned to be slipped into the beverage cup assembly and rest against an interior side of the beverage cup assembly. This feature of the invention is clearly

seen in Fig. 11 where frame 112 has a vertical side edge dimensioned to be slipped into a coffee cup (and rest against the interior side of the coffee cup).

This feature is advantageous in that it enables the present invention to be conveniently dropped into any existing coffee cup 111 with no special fasteners being needed. The present frame and filter can thus be dropped into any cup existing coffee cup.

**New Claims 42 and 47:**

New claims 42 and 47 have been added to set forth frame 112 further comprising an inner lip between an edge of the filter hole and the vertically extending portion of the frame. This feature is also seen in Fig. 11. This inner lip can be used to support the removable filter, or to support a tea bag or coffee pod (if the filter is removed).

**CONCLUSION**

For the reasons presented above, all pending claims are believed to be in condition for allowance. A Notice of Allowance is therefore respectfully requested.

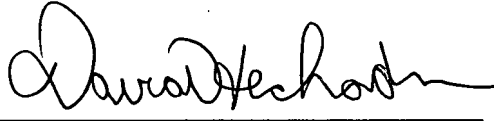
If the Examiner believes that it would facilitate prosecution, the Examiner is requested to contact Applicants' Attorney, David R. Heckadon at (415) 875-3266.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account **50-1990**, referencing to Attorney Docket No. **VGUE 1038474**. and please credit any excess fees to such deposit account.

Respectfully submitted,

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By:



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